

REMARKS

Claims 1-39, 41-44, 46-50, and 54-59 were pending. Claims 1-7, 13-22, 35-39, 41-42, 46-50, and 54-59 were rejected. Claims 8-12, 23-34, 43, and 44 were objected to as being dependent upon rejected base claims. Claims 1, 16, 38-39, 54, and 57-58 have been amended by the above amendments. Accordingly, claims 1-39, 41-44, 46-50, 54-59 are currently pending. The applicant requests further examination and reconsideration in view of the above amendments and the remarks set forth below.

Amendments to the specification:

Applicants have amended the specification to delete a paragraph from page 2 and to fix a typographical error on page 4. No new matter has been added by these amendments.

Claims 1-15 and 59:

Claim 1 was rejected under 35 USC §102 as being anticipated by U.S. Pat. No. 6,749, 299 to Hsu and, in the alternative, as being anticipated by U.S. Pat. No. 6,938,277 to Lindahl.

Claim 1 claims an eyeglass assembly that includes an eyeglass frame and a rib. The eyeglass frame has lens receptacles. The rib is coupled to the eyeglass frame and includes a brow portion having side portions that extend above the lens receptacles. Extensions couple to the brow portion and extend downward along both sides of a wearer's nose. Claim 1 has been amended to further include the limitation that "each side portion and each extension terminat[e] at an endpoint." It is noted that no new matter has been added by this amendment to claim 1 and similar amendments to other claims since figure 1 shows the rib 114 having left and right side portions, 116 and 118, and left and right extensions, 122 and 124, each of which terminates at an endpoint.

Neither Hsu nor Lindahl teach the additional limitation that each side portion and each extension terminate at an endpoint. Hsu teaches eyeglasses that include a frame and an auxiliary frame that mounts to the frame. The frame includes receptacles for a pair of lenses. (Hsu, col. 2, lines 25-30, and figure 1). As shown in figures 1 through 6, the auxiliary frame has a "figure eight" shape that when mounted to the frame encircles the

circumference of the lenses. Hsu does not teach a rib (i.e, an auxiliary frame) that has side portions and extensions that each terminate at an endpoint. Applicant has reviewed the various embodiments taught by Lindahl and finds that Lindahl fails to teach a rib that has side portions and extensions that each terminate at an endpoint. Thus, claim 1 is allowable over both Hsu and Lindahl and an early allowance would be greatly appreciated.

Claims 2-7 and 13-14 were rejected as being obvious over Hsu. Claims 2-7 and 13-14 are allowable at least for the reason that they depend from allowable claim 1. Thus, claims 2-7 and 13-14 are allowable and an early allowance would be greatly appreciated.

Claims 8-12 were objected to as depending upon rejected base claim 1. Since claim 1 is now allowable, the objection to claims 8-12 no longer applies. Thus, claims 8-12 are allowable and an early allowance would be greatly appreciated.

Claims 15 was rejected under 35 USC §102 as being anticipated by Hsu and, in the alternative, as being anticipated by Lindahl. Claim 15 is allowable at least for the reason that it depends from allowable claim 1. Thus, claim 15 is allowable and an early allowance would be greatly appreciated.

Claim 59 was rejected under 35 USC §103 as being obvious over Hsu. Claim 59 depends upon allowable claim 1. Hsu neither teaches nor suggests the limitations of amended claim 1. Therefore, claim 59 is allowable at least for the reason that it depends from allowable claim 1. Thus, claim 59 is allowable and an early allowance would be greatly appreciated.

Claims 16-37:

Claim 16 was rejected under 35 USC §102 as being anticipated by Hsu and, in the alternative, as being anticipated by Lindahl.

Claim 16 claims an eyeglass assembly that includes an eyeglass frame and a rib. The eyeglass frame has left and right frame portions. The left frame portion includes a left lens receptacle. The right frame portion includes a right lens receptacle. A nose bridge connects the left and right frame portions. The rib couples to an inner side of the eyeglass frame and includes a brow portion. The brow portion has left side, right side,

and middle portions. The left and right side portions are positioned above the left and right lens receptacles, respectively. The rib includes left and right nosepiece extensions that extend downward from the middle portion and along the left and right frame portions, respectively. Claim 16 has been amended to further include the limitation that “each of the left and right side portions and each of the left and right nosepiece extensions terminat[e] at an endpoint.”

Neither Hsu nor Lindahl teach the additional limitation that each of the left and right side portions and each of the left and right nosepiece extensions terminate at an endpoint. Thus, claim 16 is allowable over both Hsu and Lindahl and an early allowance would be greatly appreciated.

Claims 17-22 and 35-36 were rejected 35 USC §103 as being obvious over Hsu. Claims 17-22 and 35-36 are allowable at least for the reason that they depend from allowable claim 16. Thus, claims 17-22 and 35-36 are allowable and an early allowance would be greatly appreciated.

Claims 23-34 were objected to as depending upon rejected base claim 16. Since claim 16 is now allowable, the objection to claims 22-34 no longer applies. Thus, claims 23-34 are allowable and an early allowance would be greatly appreciated.

Claims 37 was rejected under 35 USC §102 as being anticipated by Hsu and, in the alternative, as being anticipated by Lindahl. Claim 37 is allowable at least for the reason that it depends from allowable claim 16. Thus, claim 37 is allowable and an early allowance would be greatly appreciated.

Claims 38-39, 41-44, and 46-50:

Claim 38 was rejected under 35 USC §103 as being obvious over Hsu on the basis that claim 38 is a method of producing eyeglasses that could be used to produce the eyeglasses taught by Hsu.

Claim 38 claims a method of manufacturing eyeglasses that includes forming a molded rib, molding a pliable coating on at least some of the surface of the molded rib and affixing the molded rib to an eyeglass frame. Claim 38 has been amended to further include the limitation that the molded rib “include[s] left, middle, and right brow portions and left and right nosepiece extensions, the middle brow portion coupling the left and

right brow portions and the left and right nosepiece extensions together, each of the left and right brow portions and each of the left and right nosepiece extensions terminating at an endpoint.”

Hsu neither teaches nor suggests eyeglasses having this additional claim limitation. Therefore, the method of producing such eyeglasses would not have been obvious. Thus, claim 38 is allowable and an early allowance would be greatly appreciated.

Claims 39, 41-42, 46, and 48-50 were rejected under 35 USC §103 as being obvious over Hsu. Claims 39, 41-42, 46, and 48-50 are allowable at least for the reason that they depend from allowable claim 38. Thus, claims 39, 41-42, 46, and 48-50 are allowable and an early allowance would be greatly appreciated.

Claims 43-44 were objected to as depending upon rejected base claim 38. Since claim 38 is now allowable, the objection to claims 43-44 no longer applies. Thus, claims 43-44 are allowable and an early allowance would be greatly appreciated.

Claims 47 was rejected under 35 USC §103 as being obvious over Hsu in view of PCT Pat. Pub. No. WO 99/56942 by Conway. Claim 47 is dependent upon claim 38. Claim 38 has been amended to include the additional claim limitation discussed above. Assuming for the sake of argument that there is a motivation to combine Hsu and Conway, such a combination neither teaches nor suggests the additional claim limitation. Thus, claim 47 is allowable over the combination of Hsu and Conway and an early allowance would be greatly appreciated.

Claims 54-56:

Claim 54 was rejected under 35 USC §102 as being anticipated by U.S. Pat. Pub. No. 2004/0125334 by Olney.

Claim 54 claims an eyeglass assembly that includes an eyeglass frame and a rib. The eyeglass frame has lens receptacles. The rib includes a brow portion and extensions. The brow portion has side portions that extend above the lens receptacles. The extensions extend downward along both sides of a wearer's nose. The rib has a plurality of tabs affixing the rib to the eyeglass frame. Claim 54 has been amended to further

include the limitation that “each side portion and each extension terminat[e] at an endpoint.”

Olney does not teach the additional limitation that each side portion and each extension terminates at an endpoint. Rather, Olney teaches a frame 10 and a sealing member 42. The frame includes apertures, 15 and 15', for lenses, 14 and 14'. (Olney, paras. 0020-0022.) As shown in figure 5, the sealing member 42 has a “figure eight” shape. Olney does not teach a rib (i.e, a sealing member) that has side portions and extensions that each terminate at an endpoint. Thus, claim 54 is allowable over Olney and an early allowance would be greatly appreciated.

Claims 55 and 56 were rejected under 35 USC §103 as being obvious over Olney. Claims 55 and 56 are allowable at least for the reason that they depend from allowable claim 54. Thus, claims 55 and 56 are allowable and an early allowance would be greatly appreciated.

Claims 57-58:

Claim 57 was rejected under 35 USC §102 as being anticipated by U.S. Pat. Pub. No. 2004/0125334 by Olney.

Claim 57 claims an eyeglass assembly that includes an eyeglass frame and a rib. The eyeglass frame has lens receptacles. The rib couples to the eyeglass frame by a plurality of tabs and at least one air vent is positioned between a pair of tabs. Claim 57 has been amended to further include the limitation that “the rib include[es] left, middle, and right brow portions and left and right nosepiece extensions, the middle brow portion coupling the left and right brow portions and the left and right nosepiece extensions together, each of the left and right brow portions and each of the left and right nosepiece extensions terminating at an endpoint.”

As discussed above relative to claim 54, Olney does not teach this additional claim limitation. Thus, claim 57 is allowable and an early allowance would be greatly appreciated.

Claim 58 were rejected 35 USC §102 as being anticipated by Olney. Claim 58 is allowable at least for the reason that it depends from allowable claim 57. Thus, claim 58 is allowable and an early allowance would be greatly appreciated.

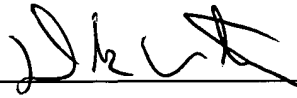
Conclusion:

In view of the above, the Applicant respectfully submits that all of the pending claims are now allowable. Allowance at an early date would be greatly appreciated. Should any issues remain, the examiner is encouraged to telephone the undersigned at (408) 293-9000 to discuss the same so that any outstanding issues may be expeditiously resolved.

Westberg Law Offices

Dated:

July 18, 2006

A handwritten signature in black ink, appearing to read 'Derek J. Westberg', written over a horizontal line.

Derek J. WESTBERG (Reg. No. 40,872)